

LEGISLATIVE BILL 1049

Approved by the Governor April 10, 2012

Introduced by Cornett, 45.

FOR AN ACT relating to scrap metal recycling; to amend sections 69-401, 69-404, 69-407, 69-408, and 69-409, Reissue Revised Statutes of Nebraska; to redefine a term; to provide requirements for the purchase of certain regulated metals property; to change provisions relating to a payment for purchase of copper; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 69-401, Reissue Revised Statutes of Nebraska, is amended to read:

69-401 For purposes of sections 69-401 to 69-409 and section 2 of this act:

(1) Regulated metals property means catalytic converters, all nonferrous metal except gold and silver, manhole covers, sewer grates, or metal beer kegs, including those kegs made of stainless steel; and

(2) Secondary metals recycler means any person, firm, or corporation in this state that:

(a) Is engaged in the business of gathering or obtaining regulated metals property that has served its original economic purpose; or

(b) Is in the business of or has facilities for performing the manufacturing process by which regulated metals property is converted into raw material products consisting of prepared grades and having an existing or potential economic value by methods including, but not limited to, processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content of the metals, but not including the exclusive use of hand tools.

Sec. 2. No secondary metals recycler shall purchase or receive any manhole cover or sewer grate except from (1) an authorized representative of the political subdivision that owns the manhole cover or sewer grate as is evidenced by the stamping or engraving on the cover or grate or (2) a third party who has a legitimate bill-of-sale, letter of authorization, or similar approval from the political subdivision evidencing the third party's right to possess and sell the cover or grate. Payment for a manhole cover or sewer grate shall be by draft or check and sent by United States mail, postage prepaid, to the official address of the finance department of such political subdivision or to the third-party seller. Such draft or check shall be made payable only to the political subdivision or to the third-party seller.

Sec. 3. Section 69-404, Reissue Revised Statutes of Nebraska, is amended to read:

69-404 No secondary metals recycler shall purchase regulated metals property for cash consideration unless the purchase total is not more than twenty-five dollars. Purchases made from the same person within a four-hour period shall be considered a single transaction. Payment shall be made payable only to the individual named on the identification presented pursuant to section 69-402. Payment for copper and catalytic converters shall be by check, and if the purchase total for copper is more than one hundred dollars, the check shall be sent by United States mail, postage prepaid.

Sec. 4. Section 69-407, Reissue Revised Statutes of Nebraska, is amended to read:

69-407 Sections 69-401 to 69-409 and section 2 of this act do not apply to:

(1) Purchases of regulated metals property from a manufacturing, industrial, or other commercial vendor that generates or sells regulated metals property in the ordinary course of its business;

(2) The collection or purchase of regulated metals property in the form of beverage or food cans; or

(3) Recycling or neighborhood cleanup programs contracted or sponsored by the state or any political subdivision.

Sec. 5. Section 69-408, Reissue Revised Statutes of Nebraska, is amended to read:

69-408 Any person violating any of the provisions of sections 69-401 to 69-409 and section 2 of this act is guilty of a Class II misdemeanor.

Sec. 6. Section 69-409, Reissue Revised Statutes of Nebraska, is amended to read:

69-409 Nothing in sections 69-401 to 69-409 and section 2 of this act shall be construed to abrogate or affect the provisions of any lawful

rule, regulation, resolution, ordinance, or statute which is more restrictive than sections 69-401 to 69-409 and section 2 of this act.

Sec. 7. Original sections 69-401, 69-404, 69-407, 69-408, and 69-409, Reissue Revised Statutes of Nebraska, are repealed.